IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 21291 of 2004

Between:

Pulagam Chinna Linga Reddy S/o Rami Reddy,
R/o Pulagamvarigudem Village, Balemla Revenue Village, Suryapet

Mandal, Nalgonda District

... PETITIONER

AND

1 The Mandal Revenue Officer Suryapet Mandal, Nalgonda Distirct
2 The Mandal Revenue Inspector, Suryapet Mandal, Nalgonda Distirct
3 The Panchayat Secretary, Balemal Village, Suryapet,

Mandal Nalgonda District
4 P. Narasireddy S/o Ramireddy
Village, Balemla Revenue Village, Suryapet Mandal, Nalgonda

District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandmaus declaring the action of the respondents 1 to 3 in seizure of the bore well and starter of the motor, fuses etc., through impugned panchanama proceedings Dt 4-8-2004 is arbitrary illegal and violative of principles of natural justice as also the provisions of A.P. Water, land and trees Act, 2002(Act 10of 2002) and Article 14, 21 and 300A of the Constitution of India, and consequently not to interfere with the bore well of the petitioner.

Counsel for the Petitioner: MR.P.PRABHAKAR RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed questioning the Panchanama dated 04-08-2004 conducted by the Mandal Revenue Inspector, Suryapet as illegal and arbitrary and also to return the starter of the motor and fuses etc.

2. The main contention of the learned counsel for the petitioner is that in the earlier round of litigation, in W.P.No.12355 of 2004, the petitioner questioned the competence of the third respondent – Panchayat Secretary in seizing the borewell of the petitioner, and this Court allowed the said writ petition. But again, the borewell of the petitioner was seized by conducting a Panchanama. It is further submitted that respondents have not given any notice or opportunity to the petitioner before conducting the Panchanama.

3. This Court had directed the learned Government Pleader to produce the record. On instructions, he fairly conceded that no notice was issued by the respondents before seizing the borewell of the petitioner.

4. Principles of natural justice demand that before any action is taken by the authorities against private individuals, resulting in civil consequences, a notice calling for the explanation has to be issued to the individual concerned, and after considering the explanation, orders shall be passed and action taken in accordance therewith. But in the instant case, it is unfortunate that because the petitioner earlier questioned the competence of the 2nd respondent in seizing the borewell in the writ petition, which was allowed, the respondents to vent their ire on the petitioner, without issuing any notice or opportunity to the petitioner and without following the due process of law, seized the borewell.

4. Inasmuch as it is fairly admitted by the learned Government Pleader that no notice or opportunity was given to the petitioner before seizing the borewell

under the panchanama, the action of the respondents in seizing the borewell of the petitioner, cannot be sustained. Hence, the writ petition is allowed and the impugned order is set aside. The respondents are directed to return the seized borewell to the petitioner. The petitioner is at liberty to claim damages against the respondents in a competent Civil Court.

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N. V. RAMANA, J

November 30, 2004

MRR/GSN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Mandal Revenue Officer Suryapet Mandal, Nalgonda Distirct
2 The Mandal Revenue Inspector, Suryapet Mandal, Nalgonda Distirct
3 The Panchayat Secretary, Balemla Village, Suryapet,

Mandal Nalgonda District
4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. Copies.